IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 23RD MAY 2007 / 2ND JYAISHTA 1929

WP(C).No. 33488 of 2004(J)

AGAINST THE ORDER DATED 09/09/2004 IN IA 1288/04. IN OS.223/2004 of MUNI-MAGI.COURT,THODUPUZHA

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PETITIONERS:

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1. RAJENDRAN, S/O.BHARGAVAN, AGED 42 YEARS, THATTAYIL HOUSE, VANNAPPURAM KARA, VANNAPPURAM VILLAGE.

2. MINI, W/O. GOVINDAN, AGED 32 YEARS, THATTAYIL HOUSE, VANNAPPURAM KARA, VANNAPPURAM VILLAGE.

BY ADV. SRI.T.J.MICHAEL
SRI.P.NOOR SEMIR

RESPONDENTS:

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1. MANI, SA/O.GOVINDAN, AGED 55 YEARS, MATHALAMPARA HOUSE, VANNAPPIRAM KARA, VANNAPPURAM VILLAGE, THODUPUZHA.

2. ABIN @ KUTTAI, S/O.MANI, AGED 22 YEARS, MATHALAMPARA HOUSE, VANNAPPURAM KARA, VANNAPPURAM VILLAGE, THODUPUZHA TALUK.

3. VIJAYAN, S/O.GOVINDAN, AGED 50 YEARS, MATHALAMPARA HOUSE, VANNAPPURAM KARA, VANNAPPURAM VILLAGE, THODUPUZHA TALUK.

BY ADV. SRI.K.K.CHANDRAN PILLAI
SRI.SUDHEESH.A.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23/05/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC No.33488/2004

APPENDIX

PETITIONERS' EXHIBITS:

EXT.P1 : TRUE COPY OF PLAINT IN OS NO.223/04.

EXT.P2 : TRUE COPY OF ATTACHMENT PETITION IA NO.1288/04.

EXT.P3 : TRUE COPY OF COUNTER AFFIDAVIT FILED BY THE RESPONDENTS.

EXT.P4 : TRUE COPY OF FIR IN CRIME NO.127/04 UNDER SECTION 143, 147,149, 447, 427 & 506 OF IPC.

EXT.P5 : TRUE COPY OF ORDER IN I.A. NO.1288/04 DT.09.09.04.

PIUS C. KURIAKOSE, J.

W.P.(C) No. 33488 OF 2004

Dated this the 23rd day of May, 2007

JUDGMENT

Ext.P5 order passed by the Munsiff, Thodupuzha dismissing an application for attachment before judgment submitted by the writ petitioner-plaintiff is under challenge. This Court while admitting the writ petition directed the respondent to furnish security for a sum of Rs.25,000/- to the satisfaction of the Munsiff and simultaneously directed conditional attachment of the property as sought for in the IA. Sri. K.K. Chandran Pillai, learned counsel for the respondent submits that pursuant to the above interim order security was furnished by the respondent. There is no representation for the petitioner. Considering the submissions of the learned counsel for the respondent, the writ petition is disposed of with the following directions:

If security has been actually furnished to the satisfaction of the learned Munsiff by the respondent, the application for attachment will stand closed. If security is not furnished, the order of conditional attachment issued by this Court will be made absolute.

PIUS C. KURIAKOSE, JUDGE

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